

REMARKS

This is in response to the Final Office Action of August 5, 2009 and is filed in connection with a Request for Continued Examination (RCE). Claims 1, 3, 5, 7, 10 and 15 are amended and all pending claims 1, 3-5, 7-15 and 17 are presented for reconsideration and favorable action.

In the Office Action, claims 3 and 7-9 were objected to. With this response, those claims are amended and it is believed that the objections may be withdrawn.

In the Office Action, claims 1, 3-5 and 7-9 were rejected under 35 U.S.C. § 102 based upon Hildebrandt (US 4,203,517). However, it is believed that the claims are patentably distinct from this reference.

Regarding claim 1, this claim has been amended to clarify that bending portions are part of exhausting pieces which extend radially inward and into an exhausting space of the container. This is not shown by Hildebrandt and the rejection may be withdrawn.

Independent claim 5 was rejected also based upon Hildebrandt. However, this claim has been amended to clarify that there is an outer cap that is removably coupled to the cap main body. This outer cap is configured to seal the cap main body. Removal of the outer cap from the cap main body causes the cap main body to move out of the container. The inner cap body remains coupled to the fallen space. This configuration is not shown by Hildebrandt and the rejection may be withdrawn.

Regarding independent claim 7, this claim has been amended to clarify that removal of the outer cap body causes the storage member to slide in a direction away from the inner body and movement of the storage member is limited by a hooking step and a stopper. This is not shown by Hildebrandt and the rejection may be withdrawn.

Claim 15 was rejected based upon Goncalves (US 4,386,696). Claim 15 has been amended to clarify that the exhausting pieces extend radially inward from the lid. This is not shown by Goncalves. Further, the exhausting pieces as set forth in claim 15 are coupled to the lid. The “exhausting” pieces 12 of Goncalves are not coupled to the lid. It is believed that the rejection against claim 15 may also be withdrawn.

Independent claim 10 was rejected based upon Gibler (US 2003/0213709) in view of Bergamini (US 2002/0020636). Claim 10 has been amended to include the hooking step and stopper assembly arranged to limit movement of the outer storage member in a direction away from the container. This is not shown in the combination of Gibler and Bergamini. Bergamini does appear to show ridges 76, 78. However, these ridges are not the same as the claimed hooking step and stopper and would only result in slightly more difficult movement of the components and not actually prevent or otherwise limit their movement. Therefore, it is believed that this rejection against claim 10 may also be withdrawn.

As it is believed that the independent claims are patentably distinct from the cited references, it is submitted that the dependent claims are also in condition for allowance.

As the cited references do not show all of the claimed elements, it is believed that the rejections may be withdrawn. Reconsideration and favorable action are respectfully requested.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue, or comment, including the Office Action's characterizations of the art, does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment or cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or cancellation. Applicant reserves the right to prosecute the rejection claims in further prosecution of this or related applications.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: /Judson K. Champlin/

Judson K. Champlin, Reg. No. 34,797

900 Second Avenue South, Suite 1400

Minneapolis, Minnesota 55402-3319

Phone: (612) 334-3222 Fax: (612) 334-3312

JKC:lrs